

ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING – 019-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollenbeck	03/03/15		
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Officer(s) Involved in Use of Force	Length of Service
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Lieutenant A	26 years, 5 months
Sergeant A	33 years, 9 months
Officer A	6 years, 4 months
Officer C	6 years, 1 month
Officer D	19 years, 9 months
Officer F	4 years, 10 months
Officer I	17 years, 11 months
Officer K	7 years, 9 months
Officer L	6 years, 8 months
Officer M	18 years, 8 months
Officer R	6 years, 11 months
Officer W	26 years, 3 months
Officer X	9 years, 3 months

Reason for Police Contact

Officers went in pursuit of a vehicle occupied by three subjects who were believed to have been involved in a shooting. During the pursuit, two passengers jumped from the car and attempted to flee on foot. As officers chased the subjects, one of the subjects turned and pointed a handgun at the officers, resulting in an officer-involved shooting (OIS). The driver continued fleeing in the vehicle for a short distance before jumping from the vehicle and fleeing on foot. He was subsequently taken into custody.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 2: Male, 20 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal

history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on February 23, 2016.

Incident Summary

Officers A and B were inside their police vehicle parked on the street. The officers were assigned a death investigation and were awaiting a mortuary van to arrive and transport the decedent.

Note: This area was known to be claimed by a criminal street gang.

While seated in their police vehicle, Officers A and B observed a white van driving down the street. When the van was approximately 10 feet in front of their police vehicle, the van stopped on the street. The unidentified driver then extended his left arm out of the open driver's side window with a handgun in his left hand and fired one round into the air. According to Officer B, the officers did not engage the suspect in gunfire because at the time of the shooting they were seated in their police vehicle and the area was primarily comprised of residential homes.

The van accelerated and continued down the street at a high rate of speed. The officers negotiated a U-turn in an attempt to catch up to the van but were unable to locate it. A "Shots Fired within City Limits" Investigative Report was completed.

The following day, a white van stopped at an intersection, where a male exited the passenger side of the van. The male yelled at, and then began shooting at a group of people congregated near a stairwell. One of the individuals in the group sustained a gunshot wound to his left foot and was transported to the hospital. Three .45 caliber casings were recovered. An "Assault with a Deadly Weapon (ADW)" Investigative Report was completed.

Another two days later, Sergeant A, disseminated the aforementioned crime information to Patrol and Gang Unit uniformed officers during roll call. Sergeant A informed the officers of the white van that was utilized in the crimes.

Later during that shift, Officers C and D were assigned to document and monitor the daily activities of the involved street gang. The officers were traveling down the street when they observed a white van traveling south in an alley in the area where the

previous incidents had occurred. As the officers passed the alley, the van negotiated a left turn and drove in the opposite direction of the officers.

Officer D negotiated a U-turn and drove in order to continue to monitor the van. Once behind the van, Subject 1 negotiated a right turn at an intersection, failing to stop for the posted stop sign. Officers C and D discussed the observed traffic violation as they proceeded and determined they were going to take enforcement action.

In order to initiate a traffic stop, Officer D activated the interior forward facing red light and driver's side spot light of the police vehicle. The siren was not activated. Simultaneously, Officer C broadcast that they were making a traffic stop on the van.

According to Officer D, Subject 1 began to slow down and pull over to the curb, as if he were going to stop. However, Subject 1 suddenly accelerated and made a left turn, traveling at an estimated speed of 25 to 30 mph. Subject 1 then failed to stop for the stop sign as he made a left turn, and nearly collided with an oncoming vehicle.

Subject 1 then failed to stop for the stop sign as he made a right turn, and then negotiated a left turn. Officer C estimated the van was traveling 40 to 50 mph in the residential area. Due to the observed vehicle violations and speeds being consistent with an attempt to elude the officers, Officers C and D formed the opinion the white van may be associated with the aforementioned shooting incidents in the area.

Officer C broadcast that they were following possible ADW suspects and requested "backup, airship, and supervisor."

Communications Division (CD) broadcast, "Any unit in the vicinity, [unit] is requesting backup, Air Unit, and a supervisor following possible ADW suspects..." Sergeant B advised CD he was en route.

Officer C broadcast, "...It's going to be a white van possibly involved in that ADW shooting..."

The pursuit proceeded into an alley. As Subject 1 made the turn into the alley, the right front passenger door of the van opened. Officer C immediately advised Officer D the subjects were possibly getting ready to exit the passenger side of the van.

As the van proceeded in the alley, the van began to decrease in speed. A male wearing black clothing (Subject 3) exited the right front passenger door of the moving van and began to run in the alley. Shortly thereafter, Officer C observed a male wearing a grey sweater and grey shorts, whom he recognized (Subject 2), exit the right front passenger door of the van. Subject 2 held his waistband area and began to run in the alley behind Subject 3. As Subject 2 ran, Officer C noticed he was crouched forward at the waist and grabbing his waistband area with both hands. Officer C knew Subject 2 and identified him to Officer D by name.

Officer C exited the vehicle and unholstered his service pistol because of the possibility of encountering an armed suspect. He held his service pistol with two hands and walked behind the open right front passenger door of the moving police vehicle to use it for cover. The van accelerated and continued in the alley.

As Officer D continued in the alley, he observed Subject 2 and Subject 3 running east in the intersecting alley. When Officer D reached the east/west alley, he negotiated a right turn into the alley in order to maintain his view of Subject 2 and Subject 3 and to allow responding police units to continue in the alley and proceed in pursuit of the van. Officer C “sliced the pie” to negotiate the corner of the T-intersected alleys in an effort to maintain his view of Subjects 2 and 3.

Simultaneously, as Officer D negotiated a right turn into the alley, the right front passenger door was unintentionally closed when it impacted an upright metal pole, causing Officer C to no longer have the cover afforded to him by the ballistic door.

Note: The additional units in the pursuit remained in pursuit of the van.

Once Officer C cleared the corner, he was facing east in the alley standing next to the closed passenger side door of his police vehicle. The officers observed Subject 3 climb a fence located on the south side of the alley to the rear of a residence. Officer C observed Subject 2 running while hunched over at the waist toward Subject 3. Once Subject 3 scaled the fence, Subject 2 stopped and faced the fence as if he were waiting for Subject 3 to jump into the rear yard of the residence. Subject 3 eventually jumped down into the rear yard where he was last seen.

Suddenly, Subject 2 turned toward his right, faced Officers C and D, reached with his right hand into his front waistband area and pulled out a handgun. At this time, Officer D had just completed the right turn into the alley as Officer C was positioned to the right of the closed front passenger door of their vehicle. According to Officer D, Officer C immediately yelled, “Partner, gun, gun, gun.” Subject 2 raised the handgun with his right hand, extended his right arm, and pointed the handgun in a westerly direction toward Officers C and D.

Officer C fired eight rounds in an easterly direction from a distance of approximately 46 feet at Subject 2. The decision to fire was influenced by his belief that Subject 2 was going to fire at either him or his partner. Subject 2 was struck with gunfire on the right calf and collapsed to the ground. As Subject 2 collapsed to the ground, he threw his handgun over a chain link fence and into the rear yard of the residence. This was the same yard Subject 3 entered after he scaled the fence. Officer C stated he fired until he saw Subject 2 “drop” to the ground.

A total of eight expended cartridge cases were recovered from the rear driveway and surrounding area. It was determined the eight cartridge cases were fired from Officer C’s service pistol.

There were six impacts caused by three projectiles. The trajectory was west to east and consistent with the position of Officer C at the time of the Officer-Involved Shooting (OIS).

Subject 2 sustained a single gunshot wound to the leg. The trajectory of the wound track was back to front.

Simultaneously, Officer D observed Subject 2 point a handgun in their direction. Officer D placed the police vehicle in park, ducked toward the driver's side door, and immediately exited the police vehicle. While exiting the vehicle, Officer D heard gunshots. Officer D unholstered his service pistol, crouched behind the driver's side door, and assumed a right-hand Weaver shooting stance. Due to the gunfire, Officer D pointed his service pistol at Subject 2 and placed his finger on the trigger but did not fire because he observed Subject 2 was down on the ground and no longer posed an immediate threat.

Officer C broadcast on the police radio, "Shots fired. Shots fired." CD broadcast, "All units, officer needs help. [location]. Shots fired. Officer needs help. [location]. Shots fired."

Note: Officer C stated as the van continued driving in the alley, the pursuing police units passed them and remained in the pursuit. Officer C stated there were no other units with them in the alley at the time of the OIS.

In response to the backup request, pursuit broadcast, and help call, numerous units responded from three LAPD Areas.

Officer C stated after he made the aforementioned broadcast, he moved from the passenger side of the police vehicle, past the trunk to behind the driver's side door where he stood to the left of Officer D. This position afforded them the cover provided by the police vehicle and ballistic driver's side door.

According to Officer D, Subject 2 had fallen onto his buttocks and unsuccessfully attempted to get up. Officers C and D directed Subject 2 to assume a prone position. Subject 2 did not comply.

Aware the initial responding units had assumed responsibility of the vehicle pursuit, Officers C and D believed there would be a delay in backup units responding to their location and made the decision to minimize the threat posed by Subject 2 by approaching him prior to the arrival of additional units. They then developed a tactical plan to approach and handcuff Subject 2. The plan was for Officer C to cover the rear yard where Subject 3 was last seen in and where the handgun was thrown. This provided cover for the potential threat Subject 3 posed. Officer D would then drag Subject 2 from the exposed area in front of the rear driveway entrance.

Officers C and D kept their guns unholstered and approached in the alley toward Subject 2. Officer C was to the south, closest to the rear fence of the key residence. As they approached the chain link gate, Officer C covered the rear yard where Subject 3 was last seen. Officer D holstered his service pistol and dragged Subject 2 out of the exposed threat area to an area in the alley where the chain link fence was covered with the sheet metal and provided concealment from the rear yard.

Shortly thereafter, Officers E and F arrived at the scene, approached in the alley, and observed Officers C and D there. Officer D then conducted a pat-down search of Subject 2 to verify he had no additional weapons. Officer D then rolled Subject 2 onto his right side and then prone onto his stomach.

Officer E unholstered his service pistol because he observed Officer C unholstered and covering the rear yard. Officer E went to assist Officer C with covering the rear yard. Meanwhile, Officer F remained holstered and paused at the driver's side of Officers C and D's police vehicle. From his position of covering the rear yard, Officer C advised Officers E and F he was involved in an OIS and that Subject 2 had thrown a handgun into the rear yard he was covering. Officer C further stated Subject 3 had jumped over the fence and was last seen in the same rear yard.

Officer F advised Officer D he would handcuff Subject 2. Officer F, who had remained holstered, approached Subject 2, bent down and placed his right knee on the middle of Subject 2's back and handcuffed his left wrist with his handcuffs. Officer F then obtained Subject 2's right hand and handcuffed his right wrist, securing both hands behind his back.

Officer C switched over to a different radio frequency because of the ongoing pursuit broadcast being made and requested a Rescue Ambulance (RA), advising, "We have one suspect down. Conscious, breathing from multiple gunshot wounds. And can you get the RA..."

In the interim, Officers G and H were passing the north/south alley when they heard gunshots. Officer G stopped the police vehicle just west of the north/south alley, at which time Officers G and H exited their police vehicle and proceeded on foot east toward the north/south alley. As Officers G and H were at the entrance of the north/south alley, Officer H observed Subject 3 running through the rear yard of a residence, toward the front yard. Officer H told Officer G there was a subject running through the houses.

Officer H stated he heard five gunshots in rapid succession. Officer G stated he heard eight to 10 continuous gunshots.

As Subject 3 ran south toward the front of the residence, Officers G and H proceeded toward the front yard. Officers G and H unholstered their service pistols because they heard gunshots and believed the situation could require the use of deadly force.

Officer H reached the front of the residence, which had a wrought iron gate on the property line, and yelled to Subject 3 to put his hands up. Subject 3 stopped, placed his hands in the air above his head, and told Officers G and H he did not have anything on him.

Officer H ordered Subject 3 to the ground, at which time Subject 3 went down to his knees, then onto his stomach on a concrete sidewalk. As Officer G provided cover, Officer H holstered his service pistol, opened the front gate, and entered the property to approach Subject 3 and handcuff him. Officer H placed his right knee on Subject 3's upper back, obtained control of his hands, and effectively handcuffed him without incident. This took place on the concrete sidewalk where Subject 3 went prone. Once Subject 3 was handcuffed, Officer G holstered his service pistol.

As Subject 3 was on the ground, Officer G placed his hands on Subject 3's right elbow and assisted Subject 3 to his feet. Officer G placed Subject 3 in the back seat of his police vehicle. Subject 3 was then transported to the local police station.

Officer H met with Officer C and advised him they had taken Subject 3 into custody. Officer C confirmed Subject 3 was one of the individuals who exited the van. At this time, there were no further outstanding suspects other than Subject 1, who remained in the vehicle pursuit.

Officer E illuminated the rear yard of the residence where the gun had been thrown and observed a handgun on the concrete driveway near the right rear bumper of a car.

Due to the knowledge that both subjects were in custody, Officer E holstered his service pistol and climbed the fence to guard the handgun. Officer H then obtained bolt cutters from his police vehicle and provided them to Officer D, who cut the lock to the rear gate in order to improve access to the rear yard.

Sergeant C broadcast on the police radio that he had arrived at the scene of the OIS and declared himself the Incident Commander (IC) at scene. Sergeant C separated Officers C and D and obtained a Public Safety Statement (PSS) from Officer C. According to Sergeant C, Officer C advised him that he fired four to five rounds in an easterly direction and reported that one additional suspect (Subject 3) was in custody. He also stated Subject 2's handgun was in the rear yard.

A Los Angeles Fire Department RA arrived at the scene, and Subject 2 was transported to the hospital for treatment.

In the interim, Subject 1 continued to flee in the van and led officers on a continued vehicle pursuit through residential neighborhoods. The Air Unit, broadcast they were over the pursuit. As the pursuit continued, Subject 1 committed numerous vehicle code violations.

Note: On March 4, 2015, a handgun was found on the roadway in front of a residence which was along the route of the vehicle pursuit.

As the pursuit continued, Subject 1 stopped the van in traffic with the van facing in a southwesterly direction. Subject 1 opened the driver's door, exited the van, and began to run toward the driveway of a nearby residence. Subject 1 failed to place the van in park, causing it to continue traveling unmanned. The van then collided with a white truck parked on the south curb.

When Subject 1 exited the van and ran, Officers I, J, K, L, M, N, O, and P, as well as Sergeant D all arrived on scene.

Officers I and M exited their respective police vehicles and pursued Subject 1 on foot. Officer M's partner, Officer N, retrieved his Department-issued shotgun from the shotgun mount between the front passenger seats and exited the police vehicle. Officer N deployed his shotgun because of his knowledge of the previous shootings and the likelihood the van was involved and contained armed suspects. Officer N chambered a round from his shotgun that was loaded to patrol ready at the start of watch, but did not load an additional round into the magazine. Officer N then joined Officers I and M in the foot pursuit. Officer N initially held the shotgun in a two-handed low-ready position with his finger along the frame and safety on.

In the interim, Officer I's partner, Officer J, exited his police vehicle and assisted partner Officers K and L with clearing Subject 1's van. Each of them unholstered their service pistols because they were aware of the previous shootings and the likelihood the van was involved and contained armed subjects. As they approached the van from the rear, they were unable to see inside but were cognizant of the potential of a confrontation with an armed subject.

Officers J, K and L approached the van while Officer K utilized the tactical light on his service pistol and cleared the van for any additional subjects. After the van was cleared, Officers J, K and L holstered their service pistols and joined Officers I, M and N in the foot pursuit.

Subject 1 reached the chain-link fence at the front driveway of the residence, scaled it, and fell to the opposite side, landing on the concrete driveway on his back/buttocks. Subject 1 got up and began running down the driveway, toward the rear residence of the residence. Officer M jumped the chain-link fence, while Officer I entered an open gate, just west of where Officer M jumped the fence. Officers I and M proceeded to pursue Subject 1 on foot. When Subject 1 reached the neighboring residence, he jumped the chain-link fence, east of the residence, and continued to run into the rear yard.

When Subject 1 reached the rear yard, he turned at the corner of the residence and continued out of Officer M's view. Officer M slowed his pace and unholstered his service pistol because he lost sight of Subject 1. Officer M assumed a two-handed low-

ready position with his finger along the frame and deployed around the corner of the residence.

After M cleared the corner, he observed Subject 1 scale a cinder block wall and jump into the rear yard of another residence. Officer M holstered his service pistol because he observed that Subject 1 had no weapons in his hands. Officers M and I scaled the wall and continued to pursue Subject 1 with Officers J, K, L and N following behind.

Subject 1 ran on the driveway toward the street. Subject 1 then scaled a wood fence on the property line and jumped into the front yard of the neighboring residence. Officer M reached over the fence and grabbed Subject 1 by the rear of his shirt. Subject 1 turned toward Officer M, leaned his head forward and placed his arms out in a straight, locked elbow position, causing the shirt to come off, wherein Subject 1 was able to continue running. Officer M dropped the shirt and jumped over the fence in continued foot pursuit. Officer I followed immediately behind Officer M.

Simultaneously, Officers A and Q stopped their black and white police vehicle in the area in a position of containment in the event a perimeter was needed. They exited their vehicle and began to walk in one direction. Meanwhile, Officers R and S were in their black and white police vehicle, traveling in the opposite direction. At this time, Officers A, Q, R, and S observed Officer M in pursuit of Subject 1, running west through the front yard of a residence. Officers A and Q, who were already on foot, ran toward the front yard. Officers R and S stopped and exited their police vehicle and approached on foot from their location.

Officer M observed Subject 1 had no weapons in his hands and closed the distance, placed his hands on Subject 1's upper back, and pushed him forward. Subject 1 lost his balance and fell forward onto his stomach on the concrete driveway. According to Officer M, Subject 1 fell hard onto the concrete driveway in a prone position. Subject 1 lay with his right hand underneath his body with a wood fence immediately to his west.

Officer M placed his right knee on Subject 1's lower back and grabbed Subject 1's left elbow with his left hand. Officer M then grasped Subject 1's left wrist with his right hand and placed Subject 1's left arm behind his back. Officer M advised the arriving officers he was unable to see Subject 1's right hand. Officer I stated he heard Officer M telling Subject 1, "Give me your other hand. Give me your other hand."

As Subject 1 was on the ground, he attempted to get Officer M off his back by moving his legs and making a bucking motion. Officer M stated he told Subject 1 to stop resisting and to give him his right hand. Officer A assisted in taking Subject 1 into custody. Officer A was followed by Officers Q, R, S, and T.

Officer A observed Officer M on top of Subject 1. As Officer A approached Subject 1, he observed Subject 1 lift his left leg off the ground. Officer A kicked Subject 1's lower left shin because he believed Subject 1 was going to buck Officer M off his back and

attempt to get up. Officer A then placed his body weight on Subject 1's legs by placing both of his knees on Subject 1's shin/calf area to prevent him from fleeing.

According to Officer R, when he jumped the wood fence, he struck his right knee on the fence, which caused him to stumble. Officer R stated as he stumbled, he placed his hands against the property line wood fence to regain his balance. Once Officer R regained his balance, he placed his left knee on Subject 1's right shoulder and right knee on his left shoulder with Subject 1's head positioned between his legs. Officer R utilized his body weight to control Subject 1. According to Officer R, his knee could have inadvertently struck Subject 1 on the head.

When Officer T arrived, she observed several unknown officers kneeling in close proximity to Subject 1 and believed they were taking him into custody. She saw that Subject 1's feet were not secured and removed the hobble from her duty belt, placed it over his feet, crossed his ankles, and tightened the hobble around his ankles.

According to Officer I, Officer Q was positioned on the left side of Subject 1, near his lower back. Officer I had his handcuffs out in preparation to handcuff. Officer Q was required to move in order for Officer I to obtain access to Subject 1's left hand and handcuff Subject 1's left wrist. Officer I used his right hand to pull Subject 1's right arm behind his back. Once Subject 1's right arm was behind his back, Officer I handcuffed Subject 1's right wrist. Once Subject 1 was handcuffed, Subject 1 stopped resisting.

Once Subject 1 was handcuffed, he was placed on his back and assisted to his feet. At this time, Subject 1 was not physically resisting the officers. Officer T removed the hobble to allow him to walk to the police vehicle for transportation to the police station. Subject 1 was then transported to the station.

Once the vehicle pursuit terminated, Sergeant D heard the Air Unit broadcast that Subject 1 bailed out of his car and began to run through the houses. According to Sergeant D, the officers that were in the vehicle pursuit went in foot pursuit of Subject 1 or took some sort of perimeter or containment position. Sergeant D was the last one to exit his police vehicle and followed the path of the foot pursuit. At the time Sergeant D arrived at the foot pursuit termination, Subject 1 was already being taken into custody, and the incident appeared to be under control. He observed multiple supervisors at scene and advised either Lieutenant A or Sergeant A that he was going to respond back to the termination of the pursuit to secure the scene.

In the meantime, Officers A and U were driving and stopped their police vehicle mid-block. They exited their vehicle and walked toward the foot pursuit. As Officers A and U approached the area, they observed several officers taking Subject 1 into custody.

Officer U observed Subject 4 emerge from the middle wrought iron door from the apartment complex next door, and run in the direction of where Subject 1 was taken into custody. Officer U stated it appeared Subject 4 was going to intervene with Subject 1's arrest. Once Subject 4 reached the property line, he extended his right arm parallel to

the ground at shoulder height in the direction of the officers with an unknown object in his hand.

Note: The apartment complex Subject 4 exited from was a two-story, multi-family residential complex consisting of three units. The complex had three street facing wrought iron doors. The middle door had a stairwell that led to the second floor where two units were located.

Officer U was unable to determine what the object in Subject 4's hand was and ran into the front yard of the location to investigate and prevent Subject 4 from interfering with the arrest of Subject 1. As Officer U approached Subject 4, who had remained in the area of the east property line of the location, he observed the object Subject 4 had in his hand to be a cell phone. Officer U then placed his right hand on Subject 4's right shoulder and asked him what he was doing. Subject 4 quickly turned toward his left and immediately ran back toward the wrought iron door he had previously exited. Officer U stated at this time, he recognized Subject 4 from prior contacts and knew him to be a gang associate. Officer U believed that because of the gang association, Subject 4's intent prior to Subject 1 being taken into custody was to aid Subject 1 by attempting to help conceal him from the officers who were giving chase.

Officer U gave chase and pushed the wrought iron door closed, preventing Subject 4 from entering. While behind Subject 4, Officer U placed his left hand on Subject 4's left shoulder and right hand on his right shoulder. Subject 4 complied with the detention without incident. Officer U stated at the time he detained Subject 4 he heard movement and footsteps behind the wrought iron door he had closed and believed there were additional suspects in the stairwell that were associated with Subject 4. Due to the belief of the presence of possibly additional armed subjects, Officer U moved Subject 4 to the front patio area of the apartment complex.

Meanwhile, Lieutenant A and Sergeant A arrived and parked their police vehicle just west of the location. As Lieutenant A and Sergeant A walked toward the front yard of the location, Sergeant A observed that Officer U had detained Subject 4. Sergeant A proceeded to the front patio area of the location while Lieutenant A continued on to the front yard of the residence next door, where Subject 1 had been arrested. Officer U then relinquished custody of Subject 4 to Sergeant A.

Officer A, who had responded to the location with his partner, Officer U, observed Officer U with Subject 4 and responded to assist. Officer A stated Officer U had a grasp of Subject 4 and then relinquished custody of him to Sergeant A.

Lieutenant A arrived at the residence where Subject 1 was being taken into custody, noting Subject 1 was on the ground with several officers around him. Lieutenant A then observed Sergeant A with Subject 4. Subject 4 appeared to be not cooperating with Sergeant A. Lieutenant A then directed several officers from Subject 1 arrest to assist Sergeant A.

According to Officer U, he continued to hear movement in the stairwell of the apartment complex and believed there were additional subjects behind the door. Although he heard movement, he did not observe any additional subjects enter or exit the location. Officer U advised Officer A that the interior stairwell had not been rendered safe. Officers A and U unholstered their service pistols because of the possibility of encountering an armed suspect and positioned themselves near the middle wrought iron door of the apartment complex.

According to Sergeant A, Officer U advised him that he believed Subject 4 was the driver of the van involved in the vehicle pursuit or possibly involved in Subject 1's attempt to elude police. In order to obtain control of Subject 4, Sergeant A placed his hands on Subject 4's arms and turned him to face away from him. In order to facilitate handcuffing, Sergeant A maintained a grasp on Subject 4's arms and ordered him to place his hands behind his head. As Sergeant A attempted to handcuff Subject 4, Subject 4 became rigid and pulled away from Sergeant A in an attempt to break free of his grasp.

Note: During his interview with FID investigators, Officer U made no mention he believed Subject 4 was the driver of the van.

Sergeant A stated he swung Subject 4 to his left and forcibly took him to the ground, where Subject 4 landed in a prone position on the concrete. Sergeant A held Subject 4 down by placing his right knee on the middle portion of Subject 4's back and told him to place his hands behind his back.

In the interim, from the termination of the vehicle pursuit, Officers O and P positioned their police vehicle at the intersection. Officer O retrieved his Department-issued shotgun that had been loaded to patrol ready and exited his police vehicle. Officer O chambered a round into the firing chamber believing it was possible that he could be confronted by an armed suspect. Officers O and P observed Sergeant A and Subject 4 on the ground with Subject 4 in a prone position. According to Officer O, he observed Subject 4 resisting Sergeant A.

After Subject 1 was taken into custody and sat upright, Lieutenant A responded to the location next door. When Sergeant A directed Officer O to assist him in handcuffing Subject 4, Officer O handed the shotgun to Lieutenant A. Officer O then approached Subject 4 and handcuffed him. Once Subject 4 was handcuffed, Sergeant A told Officer O to search and transport him to the local police station. Officer O rolled Subject 4 to his left, conducted a waistband search, and found nothing.

Note: Officer J observed Lieutenant A holding the shotgun, who then relinquished custody of the shotgun to Officer J. Officer J unloaded the shotgun to a patrol-ready condition and secured it in the trunk of his police vehicle.

Sergeant A directed additional officers to establish a search team and accompany Officers A and U on a search. The search was to locate/identify the unknown number of potential subjects heard in the stairwell. Sergeant A stated he believed additional subjects were inside the location because the officers told him there were subjects inside and were pointing and giving him hand signals consistent with subjects being inside.

Officer N arrived and assumed the role of the search team leader. As additional officers arrived, Officer U assembled them into a search team. The search team consisted of Officers N, U, A, R, K, M, and V.

Note: According to Officer S, Sergeant A asked for a search team to be assembled to verify no additional suspects were upstairs.

Officer N made Officer A the point officer and relinquished the shotgun he had deployed to Officer A. Officer A holstered his service pistol, took the shotgun from Officer N, and assumed the role of the designated point officer. Officer K assumed the role of arresting officer.

Note: Officer R stated he obtained his slug shotgun from the trunk of his police vehicle in response to a request for a police rifle from an unknown officer on the search team. He loaded two slug rounds into the magazine tube and then chambered a round into the firing chamber. Officer R stated he entered the building as the point officer and then conducted the protective sweep search with his shotgun throughout the search. The search team was now equipped with a shotgun and a slug shotgun. The search team did not have supervisory oversight; therefore Officer N assumed leadership of the search team.

When the middle wrought iron door that led to the interior stairwell was opened, Officer N observed two subjects on the top landing of the interior stairwell. Officer N began to give verbal commands to the subjects to place their hands on top of their heads and to turn around and face away from the officers.

Officer N advised the search team of his observations and that he was going to order the subjects down the stairwell. Officer N ordered the subjects down the interior stairwell, at which time they complied and were taken into custody without incident.

Note: Lieutenant A stated he was unaware of a search team being assembled, a search being conducted, or any doors being forced open.

Officer N stated the following reasons for the necessity to search inside the location for additional subjects who potentially posed a threat to the officers outside: Subject 1 was the driver of the van believed to be involved in multiple shootings; Subject 1 was a known gang member and had been arrested outside the location; one individual was arrested and two others detained that were at one point inside the apartment complex

with access to the second floor apartment units, each of which were believed to be gang members or associates; and he knew the location to be associated with gang activity. In addition, Officer N stated he was unaware if there were additional subjects who might have fled from the van and into the location from the initial start of the vehicle pursuit.

Note: The Tactical Flight Officer did not observe or indicate there were additional subjects who had exited the van.

The radio frequency broadcasts did not include an inquiry to the number of outstanding suspects from the van.

Officer A entered the interior stairwell followed by Officer N and the remaining search team. As Officer A made his way up the stairwell, Officer N told Officer A to hold short of the west apartment door, which was the apartment they were going to search first.

Officer N gave a verbal knock notice advisement multiple times to the occupants in the west apartment by stating, "Los Angeles Police Department, open the door." Officer V stated he heard the announcement given by Officer N. When no one opened the west door, Officer N administered a kick to the door, which was ineffective. Officer N administered a second kick to the door and then heard a female voice yell, "I'm coming," at which time she opened the door. Officer A covered the east door with the shotgun as the search team entered the west apartment and conducted a protective sweep for any additional subjects, which met with negative results.

At the conclusion of the protective sweep at the first apartment, the search team responded to the second apartment, which was directly across the hall. Officer N gave a verbal announcement from outside the closed door. When no one opened the door, Officer N administered a front kick to the door, causing the door to open. There were no occupants inside the apartment. The search team conducted a protective sweep of the east apartment for any additional subjects, with negative results.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Lieutenant A and Sergeant A's tactics to warrant a finding of Administrative Disapproval. The BOPC further found Sergeants C and D's, along with Officers A, C, D, I, K, L, M, R, W, and X's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers C and D's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Sergeant A's, along with Officers A, F, I, K, L, M, R, W, and X's use of non-lethal force to be in policy.

D. Lethal Use of Force

The BOPC found Officer C's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Tactical Communication

The officers did not effectively communicate with each other on numerous occasions during the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this incident, several of the officers were faced with a rapidly unfolding tactical situation and at times forced to make split-second decisions that involved a vehicle pursuit, an OIS, and a foot pursuit occurring within blocks of each other and within a short period of time.

While there were several shortcomings in the communication between some of the officers involved in the incident, the BOPC determined that the officers'

actions were based on the limited information that they had at the time and was not a substantial deviation from approved Department tactical training.

2. Utilization of Cover

In this case, Officer C was walking alongside a moving police vehicle using his ballistic door panel for cover. The vehicle door struck a pole as the driver rounded the corner, causing the door to close and leaving Officer C without cover.

The utilization of cover enables an officer to confront an armed subject while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

The BOPC determined that Officer C's decision to immediately confront the deadly threat of an armed suspect without the benefit of cover was reasonable based on the circumstances.

3. Pursuing a Possible Armed Suspect

Officer M engaged in a foot pursuit of Subject 1 after he fled from a vehicle believed to be involved in several shootings. Officers I and N also engaged in the foot pursuit with Officer M in an attempt to apprehend Subject 1.

Generally, officers are discouraged from pursuing armed subjects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit.

The BOPC determined that the officers' actions in this circumstance did not substantially deviate from approved Department tactical training. The officers are reminded of the importance of maintaining cover and assessing containment options while pursuing potentially armed suspects.

4. Subjects Fleeing from a Vehicle

Officers I, M, and N engaged in a foot pursuit of Subject 1, passing his vehicle before it had been cleared for additional suspect.

Officers I, M, and N are reminded that when a foot pursuit begins with a subject fleeing from a vehicle, officers need to always consider the possibility of additional subjects remaining in the vehicle.

The BOPC determined that the officers' actions in this circumstance did not substantially deviate from approved Department tactical training.

5. Stepping on Subject's Limbs

Officer K stepped on Subject 1's left ankle to prevent him from kicking other officers that were attempting to handcuff Subject 1.

In this case, Officer K placed his right foot on the left ankle of Subject 1 to pin his leg to the ground to prevent Subject 1 from kicking. Officer K is reminded that stepping on the suspect's limbs can cause an officer to become off balance and may also reflect unfavorably to the general public in doing so.

6. Supervisory Oversight

The BOPC was critical of Lieutenant A and Sergeant A's actions throughout this incident. The involved lieutenant and sergeant did not demonstrate the level of command and control or supervision expected of field supervisors during critical incidents. It is incumbent upon supervisors at the scene of a critical incident such as this, involving potentially armed subjects, to demonstrate and exercise superior supervision that is consistent with Department supervisory and tactical training.

It was discovered that several tactical flaws contributed to the lack of supervisory oversight as this incident unfolded and those shortcomings were cumulative in nature. Several of these issues included deficient tactical planning, becoming involved in the incident and implementation of a deficient plan. This incident involved an OIS, vehicle pursuit, foot pursuit, use of force and an additional suspect who was detained for interfering with an arrest. Sergeant A involved himself in the incident by assisting an officer with detaining a subject even though there were sufficient personnel at scene.

Sergeant A organized a search team with the focus of their efforts being to locate possible outstanding subjects. The tactical communication given to the team was lacking in regard to the search team's mission, reason and lawful grounds for the search. Although Sergeant A organized the search team, he remained downstairs with Lieutenant A and did not take a supervisory role over the search.

With two supervisors at scene, it would have been preferred that Sergeant A accompanied the search team to remain in a position to oversee the entire operation, while Lieutenant A remained in a position to ensure the resources at scene were managed effectively and remain in control of the overall operation.

Lieutenant A assumed the role of Incident Commander (IC). There was also an overall lack of command and control exercised by the IC, Lieutenant A, throughout the entire incident. When questioned about the actions and involvement of Department personnel at scene during the incident, Lieutenant A had very little or no knowledge of different personnel actions. As the IC,

Lieutenant A was responsible for setting the objectives, planning the strategy and directing the tactical response of the personnel involved in this incident.

The BOPC found that Lieutenant A and Sergeant A's actions and performance during this incident were not consistent with approved Department supervisory or tactical training.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Lieutenant A and Sergeant A substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that the tactics utilized by Sergeants C and D, along with Officers A, C, D, I, K, L, M, R, W, and X did not substantially deviate from approved Department tactical training and warrant a Tactical Debrief.

B. Drawing/Exhibiting

- During a vehicle pursuit, Subject 2 exited out the right front passenger door and began running through a connecting alley. Officer C observed Subject 2 crouching forward and grabbing at his waistband area with both hands. Believing Subject 2 was about to arm himself, Officer C immediately exited the vehicle and drew his service pistol.

According to Officer D, he heard Officer C yell, "*Partner, gun, gun, gun,*" and immediately focused his attention on Subject 2. He observed Subject 2 produce a black handgun and point it in their direction. Officer D placed the vehicle in park and exited the police vehicle. As he was exiting the vehicle, Officer D heard several gunshots and immediately drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C and D, while faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers C and D's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- Officer F – Body Weight
- Officer X – Body Weight

While waiting for the RA, Subject 2 began to move around and kick his legs. In an effort to limit his movement, Officer F placed his right knee on Subject 2's shoulder and applied body weight.

Officer X responded and assisted with controlling Subject 2 by placing his right knee on Subject 2's back and applying bodyweight.

- Officer A – Kick, Body Weight
- Officer I – Physical Force
- Officer K – Body Weight
- Officer L – Physical Force, Body Weight
- Officer M – Physical Force, Body Weight
- Officer R – Physical Force, Body Weight
- Officer W – Physical Force, Body Weight

Officers J, K, and L joined Officers I, M, and N in the foot pursuit of Subject 1, who scaled multiple fences. Officer M observed that Subject 1 did not have any weapons in his hands. Officer M closed the distance, placed his hands on Subject 1's upper back, and then pushed Subject 1 forward causing him to fall face down onto the concrete driveway.

Officer M contacted Subject 1, placed his right knee on Subject 1's lower back, and grabbed Subject 1's left elbow with his left hand. Officer M then grabbed Subject 1's left wrist with his right hand and placed Subject 1's left arm behind his back.

Officer A observed Subject 1 lift his left leg off the ground. Believing that Subject 1 was attempting to buck Officer M off his back, Officer A kicked Subject 1's left shin in an effort to prevent him from getting up. Officer A then placed both of his knees on Subject 1's calves and applied body weight in an effort to prevent him from getting up.

According to Officer R, he placed his hands against the west fence in an attempt to regain his balance. Officer R then placed his left knee on Subject 1's right shoulder and right knee on Subject 1's left shoulder, with Subject 1's head between his legs. Officer R then utilized body weight to control Subject 1.

Note: According to Officer R, he may have inadvertently struck Subject 1 on the head with his knee during the process of applying his body weight.

According to Officer W, he observed Subject 1's left foot flailing around and stepped in to control his foot. Officer W grabbed Subject 1's left foot and held it close to his

body as he stepped inward towards the groin area placing his foot along Subject 1's upper thigh to force Subject 1's knee to bend and control the leg. Believing this was not effective with the amount of officers that were there, Officer W crouched down and applied body weight on Subject 1's left leg to prevent it from flailing and kicking. Officer W observed Officer K arrive and released control of Subject 1's leg to him. Officer K placed his right foot on Subject 1's left ankle and pinned it to the ground to prevent Subject 1 from kicking.

Officer L arrived, placed his knees on top of Subject 1's back, and utilized a firm grip to pull Subject 1's right hand from under his stomach. Officer I handcuffed Subject 1's left wrist first and then used his right hand to pull Subject 1's right arm behind his back. According to Officer R, he observed Subject 1's right arm under his chest, took control of Subject 1's right arm, and assisted in placing his right arm behind his back. Officer I then handcuffed Subject 1's right wrist.

After Subject 1 was handcuffed, Officer T applied a Hobble Restraint Device (HRD) to Subject 1's ankles. Prior to Subject 1 walking to the police vehicle, Officer T removed the HRD to allow Subject 1 to walk.

- Sergeant A – Takedown, Body Weight

As Sergeant A attempted to handcuff Subject 4, Subject 4 became rigid and attempted to pull away from Sergeant A. Sergeant A utilized a left side takedown and moved Subject 4 to the ground. Sergeant A then placed his right knee on Subject 4's back and told him to place his hands behind his back. Officer O then approached Subject 4 and completed the handcuffing without further incident.

After a review of the incident and the non-lethal force used by these officers, the BOPC determined that a sergeant and an officer with similar training and experience as Sergeant A, along with Officers A, F, I, K, L, M, R, W, and X would believe this same application of force would be reasonable to overcome Subject 1, Subject 2 and Subject 4's resistance, prevent their escape, and effect an arrest.

Therefore, the BOPC found Sergeant A's and Officers A, F, I, K, L, M, R, W, and X's non-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- Officer C – (pistol, eight rounds)

According to Officer C, Subject 2 reached into his front waistband area with his right hand, pulled out a handgun and pointed it at him and Officer D. In fear for his life and the life of his partner, Officer C fired his service pistol at Subject 2 to stop his actions.

As Subject 2 collapsed to the ground, he threw his handgun over the fence and into the rear yard of the adjacent residence with his right hand.

The BOPC determined that an officer with similar training and experience as Officer C would reasonably believe Subject 2's actions of pointing a handgun at him presented an imminent threat of death or serious bodily injury to Officer C at the time he fired his service pistol.

The BOPC found Officer C's use of lethal force was objectively reasonable and in policy.